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EXAMINER

FRITZ, BRADFORD F

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/09/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/609,107

Applicant(s)

DIDERIKSEN ET AL.

Examiner

Bradford F. Fritz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/27/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-20, and 25-37 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
3. Claims 1-4 are non-statutory because the claims fail to establish a statutory category of invention, there is no tangible result and the claims have no practical application.
4. Claims 5-12 because the claims fail to establish a statutory category of invention, there is no tangible result and the claims have no practical application. Claims 5-12 are also non-statutory because they are directed to merely software per se and are not tangibly embodied in a manner that is executable.
5. Claims 16-20 because the claims fail to establish a statutory category of invention, there is no tangible result and the claims have no practical application. Claims 16-20 are also non-statutory because they are directed to merely software per se and are not tangibly embodied in a manner that is executable.
6. Claims 25-30 because the claims fail to establish a statutory category of invention, there is no tangible result and the claims have no practical application. Claims 25-30 are also non-statutory because they are directed to merely software per se and are not tangibly embodied in a manner that is executable.

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7. Claims 31-34 are non-statutory because the claims fail to establish a statutory category of invention, there is no tangible result and the claims have no practical application.

8. Claims 35-37 because the claims fail to establish a statutory category of invention, there is no tangible result and the claims have no practical application.

Claims 35-37 are also non-statutory because they are directed to merely software per se and are not tangibly embodied in a manner that is executable.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 21, 31, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Bhattacharya et al. (6,983, 464), hereinafter referred to as Bhattacharya.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

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the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

11. Regarding claims 1, 21, and 31, Bhattacharya disclosed constructing a filter graph to process a data stream from a source file (abstract, column 5, line 60 – column 6, line 20, and column 9, lines 27-60); processing the data stream through the filter graph (abstract, column 5, line 60 – column 6, line 20, and column 9, lines 27-60); receiving an instruction to load a new filter into the filter graph (abstract, column 5, line 60 – column 6, line 20, and column 9, lines 27-60); recognizing the new filter based on registration parameters stored in a registry (inherent, column 9, lines 27-60); and dynamically loading the new filter into the filter graph during the processing (abstract, column 5, line 60 – column 6, line 20, and column 9, lines 27-60).

12. Regarding claims 35, Bhattacharya disclosed a first filter configured to process data by a first process (abstract, column 5, line 60 – column 6, line 20, and column 9, lines 27-60), the first filter processing a first part of a data stream and a second part of the data stream (abstract, column 5, line 60 – column 6, line 20, and column 9, lines 27-60); a second filter loaded into the filter graph after the first part of the data stream is processed by the first filter, the second filter configured to process data by a second process, the second filter processing the second part of the data stream (abstract, column 5, line 60 – column 6, line 20, and column 9, lines 27-60); and a rendering filter configured to render the data stream, the rendering filter rendering the first part of the data stream processed by the first filter and rendering the second part of the data

stream processed by both the first filter and the second filter (abstract, column 5, line 60 – column 6, line 20, and column 9, lines 27-60).

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Tang et al. (6,298,370), hereinafter referred to as Tang.

15. Regarding claims 1, 10, 21, and 31 Tang disclosed constructing a filter graph to process a data stream from a source file (column 128, lines 12-35); processing the data stream through the filter graph (column 128, lines 12-35); receiving an instruction to load a new filter into the filter graph (column 129, lines 3-25 and column 130, lines 20-35); recognizing the new filter based on registration parameters stored in a registry (column 129, lines 3-25 and column 130, lines 20-35); and dynamically loading the new filter into the filter graph during the processing (column 129, lines 3-25, column 115, lines 30-40 and column 131, lines 18-31).

16. Regarding claims 5, 16, and 25, Tang disclosed receiving a call to register a plug-in (column 62-64, column 129, lines 3-25 and column 130, lines 20-35); and in accordance with the call, receiving a set of registration parameters comprising: a pwszFriendlyName parameter designating a name for the plug-in (column 62-64, column 129, lines 3-25 and column 130, lines 20-35); a pwszDescription parameter

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designating a description of the plug-in (column 62-64, column 129, lines 3-25 and column 130, lines 20-35); a `pwszUninstallString` parameter designating an uninstall string for uninstalling the plug-in (column 62-64, column 60, line 57 – column 61, line 5); a `dwPriority` parameter designating an integer value containing a priority position of the plug-in in a chain of currently enabled plug-ins (column 129, lines 45-62); a `guidPluginType` parameter designating a globally unique identifier that specifies a type for the plug-in (column 129, lines 25-43); a `Clsid` parameter designating a class identifier of the plug-in (column 62-64, column 130, lines 20-31); a `cMediaType` parameter designating a count of media types supported by the plug-in (column 48, lines 49-66 and Fig. 99); and a `pMediaType` parameter designating a pointer to an array of media types that enumerates supported media types for the plug-in (column 62-64, column 130, lines 20-31, column 48, lines 49-66 and Fig. 99). The Examiner notes that specific parameter nomenclature is arbitrary and entirely a programmer's design choice (also software code is non-statutory), but the elements are mapped to their logical equivalents.

17. Regarding claims 7, 14, 19, and 26, Tang disclosed a `PLUG-IN_TYPE` field containing data indicating a plug-in type (column 62-64, column 48, lines 49-66 and Fig. 99); a `PLUG-IN_MAJOR_FORMAT` field containing data indicating a subset of the plug-in type (column 62-64, column 48, lines 49-66 and Fig. 99); a `PLUG-IN_MINOR_FORMAT` field containing data indicating a second subset of the plug-in type (column 130, lines 20-31, column 48, lines 49-66 and Fig. 99); a `PLUG-IN_TYPE_CONFIGS` field containing data indicating a configuration of the plug-in type

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(column 130, lines 20-31, column 48, lines 49-66 and Fig. 99); a PLUG-IN_ID field containing data indicating a globally unique vendor identification of the plug-in type (column 130, lines 20-31, column 48, lines 49-66 and Fig. 99); a DESCRIPTION field containing data indicating a description of the plug-in type (column 130, lines 20-31, column 48, lines 49-66 and Fig. 99); a NAME field containing data indicating a name of the plug-in type (column 130, lines 20-31, column 48, lines 49-66 and Fig. 99); a PRIORITY field containing data indicating a priority for the plug-in type (column 129, lines 45-62); and an UNINSTALLPATH field containing data indicating a string to uninstall the plug-in type (column 60, line 57 – column 61, line 5).

18. Regarding claims 15 and 20, Tang disclosed a PLUG-IN_TYPE_CONFIGS field containing data indicating a configuration of a plug-in type (column 62-64, column 130, lines 20-31, column 48, lines 49-66); a PLUG-IN_ID field containing data indicating a globally unique vendor identification of the plug-in type (column 62-64, column 130, lines 20-31, column 48, lines 49-66); an ENABLED field containing data indicating whether the plug-in type is enabled; and a PRIORITY field containing data indicating a priority for the plug-in type in a playback chain (column 62-64, column 130, lines 20-31, column 48, lines 49-66).

19. Regarding claims 35, Tang disclosed a first filter configured to process data by a first process (abstract, column 129, lines 3-25 and column 130, lines 20-35), the first filter processing a first part of a data stream and a second part of the data stream (column 128, lines 12-30, column 129, lines 3-25 and column 130, lines 20-35); a second filter loaded into the filter graph after the first part of the data stream is

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processed by the first filter (column 128, lines 12-30, column 129, lines 3-25 and column 130, lines 20-35), the second filter configured to process data by a second process (column 129, lines 3-25 and column 130, lines 20-35), the second filter processing the second part of the data stream (column 128, lines 12-30, column 129, lines 3-25 and column 130, lines 20-35); and a rendering filter configured to render the data stream, the rendering filter rendering the first part of the data stream processed by the first filter and rendering the second part of the data stream processed by both the first filter and the second filter (column 128, lines 12-30, column 129, lines 3-25 and column 130, lines 20-35).

20. Regarding claims 2, 13, 22, and 32, Tang disclosed wherein the constructing a filter graph comprises: reading a registry of filter characteristics (column 128, lines 12-30); identifying a plurality of filters available for operation in a filter graph based on the filter characteristics (column 129, lines 3-25 and column 130, lines 20-35); creating from the plurality of filters, an instance of a class of filters appropriate for rendering the data stream (column 128, lines 12-35), each filter in the class of filters operative to conduct a processing operation and having at least one input pin and at least one output pin (column 128, lines 12-35 and); and connecting the pins of the filters in the class of filters to assemble the filter graph (column 48, lines 49-62 and column 50, lines 5-15), the filter graph comprising connected filters wherein the first filter in the filter graph accepts the data stream and the final filter in the filter graph renders the data stream (column 128, lines 12-30).

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21. Regarding claims 3, 11, 23, and 33, Tang disclosed wherein the dynamically loading comprises: automatically stopping the processing at a current location in the data stream (column 128, lines 12-30); automatically loading the new filter into the filter graph (column 129, lines 3-25 and column 130, lines 20-35); and automatically restarting the processing at the current location in the data stream (column 128, lines 12-30), the processing after the restarting including processing the data stream through the new filter (column 129, lines 3-25 and column 130, lines 20-35).

22. Regarding claims 4, 12, 24, and 34, Tang disclosed wherein the automatically loading the new filter comprises: deconstructing the filter graph at a connection point between two filters (column 48, lines 49-62 and column 50, lines 5-15); inserting the new filter at the connection point; and reconstructing the filter graph such that it includes the new filter inserted between the two filters (column 48, lines 49-62 and column 50, lines 5-15).

23. Regarding claim 6, Tang disclosed comprising further processor-executable instructions configured for storing the set of registration parameters according to a specific format in a registry of an operating system on a machine wide basis (column 62-64).

24. Regarding claim 8, Tang disclosed comprising further processor-executable instructions configured for storing a subset of the set of registration parameters according to a specific format in a registry of an operating system on a per user basis (column 62-64).

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25. Regarding claims 9 and 27, Tang disclosed a configuration heading for the plug-in type that includes the unique identification of the plug-in specified by the Clsid parameter (column 62-64 and column 129, lines 45-62); an enable indicator permitting the user to enable the plug-in; and a priority of the plug-in type specified by the dwPriority parameter (column 62-64 and column 129, lines 45-62).

26. Regarding claim 17, Tang disclosed wherein the data structure is stored in an area of the processor-readable medium that is an operating system registry (abstract).

27. Regarding claim 18, Tang disclosed processor-readable medium as recited in claim 16 (abstract).

28. Regarding claim 28, Tang disclosed a media player configured to register a filter plug-in according to the registration parameters (column 62-64 and column 129, lines 45-62).

29. Regarding claim 29, Tang disclosed a filter graph manager configured to construct a filter graph based the registration parameters and on a data type of a data stream received by the media player (column 130, lines 20-31, column 48, lines 49-66 and Fig. 99).

30. Regarding claim 30, Tang disclosed a dynamic plug-in loader configured to automatically stop the filter graph from processing the data stream, determine an enabled filter plug-in based on the registration parameters (column 128, lines 12-30, column 129, lines 3-25 and column 130, lines 20-35), deconstruct the filter graph, insert the enabled filter plug-in into the filter graph, and restart the processing of the data stream (column 128, lines 12-30, column 129, lines 3-25 and column 130, lines 20-35).

31. Regarding claim 36, Tang disclosed a media player configured to generate the filter graph as recited in claim 35 (column 130, lines 20-31, column 48, lines 49-66 and Fig. 99).

32. Regarding claim 37, Tang disclosed the media player recited in claim 36 (column 128, lines 12-30, column 129, lines 3-25 and column 130, lines 20-35).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradford F. Fritz whose telephone number is 571-272-3860. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER